



United States Environmental Protection Agency
Region I - New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

file

Certified Mail
Return Receipt Requested

MAR 05 2014

Betty and Gary Grimmel
Grimmel Industries, LLC
80 Pejepscot Village
Topsham, Maine 04086-6194

Re: Request for Information Pursuant to Sections 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), Docket No. 14-308-09

Dear Madam and Sir:

Section 308(a) of the Federal Clean Water Act (the "Act"), 33 U.S.C. §1318(a), authorizes the Environmental Protection Agency ("EPA") to require any owner or operator of a point source to provide information needed to determine whether there has been a violation of the Act.

Grimmel Industries, L.L.C. is hereby required, pursuant to Section 308(a) of the Act, to respond to the questions in Attachment B in this Request for Information (the "Request") within **30 calendar days of receipt of this letter**. Please read the instructions in Attachment A carefully before preparing your response and answer each question in Attachment B as clearly and completely as possible.

Your response to this Request must also be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. Statement of Certification, Attachment C, is attached to this letter. Information submitted pursuant to this Request shall be sent by certified mail, and shall be addressed as follows:

United States Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Attention: Joy Hilton, Mail Code OES04-3

and

New Hampshire Department of Environmental Services
29 Hazen Drive-P.O. Box 95
Concord, NH 03302-0095
Attention: Tracy Wood

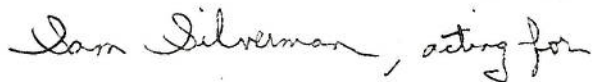
Compliance with this Request is mandatory. Failure to respond fully and truthfully or to adequately justify any failure to respond within the time frame specified above also constitutes a violation of the Clean Water Act subject to enforcement action,

including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

The company may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice to the companies.

If you have questions regarding this Request, please contact Joy Hilton of the Water Technical Unit at 617-918-1877, or have your attorney contact Kathleen Woodward, Senior Enforcement Counsel, at 617-918-1780 regarding this matter.

Sincerely,



Susan Studlien, Director
Office of Environmental Stewardship

Attachments

cc: Brian Rayback, Esq.
Robert Cheney, Esq.
Tom Irwin, Esq.
Tracy Wood, NHDES

Attachment A

Information Request Instructions

1. Provide a separate narrative response to each and every question and subpart of a question set forth in this Request. Precede each answer with the text and the number of the question and the subpart to which the answer corresponds.
2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, explain.
3. Any documents referenced or relied upon by you to answer any of the questions in the Request must be copied and submitted to EPA and to the New Hampshire Department of Environmental Services ("NHDES") with your response. All documents must contain a notation indicating the question and subpart to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.
4. If information or documents not known or not available to you as of the date of the submission of the response to this Request for Information should later become known, or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is inaccurate or incomplete, you must notify the EPA and the NHDES of this finding as soon as possible and provide a corrected response.

ATTACHMENT B

Questions relating to the facilities located at

555 Market Street, Portsmouth, NH

Provide the following information:

A. Shiploading Questions:

1. Provide photographs and/or video taken of at least one of Grimmel's shiploading events in Portsmouth, NH depicting all Best Management Practices ("BMPs") used to prevent the discharge of scrap metal to the Piscataqua River ("River").
2. Provide a description, including the dimensions, and a diagram, sketch, or photograph of the steel slide/ramp placed from the side of the ship to the wharf during Grimmel's shiploading events in Portsmouth to eliminate the discharge of scrap metal into the River.
3. Provide a description of any modifications to Grimmel's grapple shiploading method used since August of 2013 through the date of receipt of this Information Request letter to eliminate the discharge of scrap metal into the River.
4. Provide a copy of employee training records related to BMPs used by Grimmel to prevent the discharge of scrap metal to the River during shiploading events for the period beginning August 1, 2013 through the date of receipt of this Information Request letter. Documentation at a minimum shall include the date(s) training was provided, the trainer's name and list of credentials, the training materials presented, and the attendees list(s).
5. Provide the dates of all scrap metal shiploading events at Grimmel's Portsmouth, NH facility that have occurred since August 1, 2013 including ship arrival, ship loading, and ship departure dates.
6. For the period from August 1, 2013 through the date of receipt of this Information Request letter, provide all of the dates that Grimmel used a magnet to pick up scrap metal from the riverbed in the vicinity of the Portsmouth facility pier. List the name(s) of the employees that operated the magnet each time.
7. From the date of receipt of this letter through January 1, 2015, Grimmel shall notify EPA a minimum of seven days prior to each scheduled scrap metal

shiploading event. Each shiploading notification shall be provided via email message to hilton.joy@epa.gov, canzano.joseph@epa.gov, and woodward.kathleen@epa.gov.

B. Questions on Stormwater ("SW") MSGP Benchmark, Impaired Waters, and Visual Monitoring; Grimmel's proposed Corrective Action Plan and Schedule to achieve Benchmarks and not cause or contribute to surface water impairment:

1. Sections 6.1.1, 6.1.3, 6.1.4 and Appendix B.10 of the 2008 MSGP require monitoring of outfalls by taking a minimum of one representative grab sample during the first 30 minutes of a measurable storm event that follows the preceding measurable storm event by at least 3 days. Section 6.1.4 of the 2008 MSGP requires that "[i]f it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes." Section 6.1.3 of the 2008 MSGP requires the permittee "to identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and the time (in days) since the previous measurable storm event.

Stormwater monitoring reports that Grimmel has submitted to EPA indicate that samples have not been collected within the first 30 minutes of a measurable storm event. For example, on June 26, 2013, SW samples were collected by Ransom Consulting, Inc. between 5:30 p.m. and 6:00 p.m. The June 2013 Record of Storm Events summary for the Market Street Terminal indicates that the samples were collected following two days of thunderstorms and light rain and a third day of light rain; not during the first 30 minutes of a measurable storm event as required by Section 6.1.4 of the 2008 MSGP. The June 2013 Record of Storm Events summary notes that SW discharges occurred from the site on 6/24/13, 6/25/13 and 6/26/13. Despite the absence of the three day antecedent dry period and Grimmel's apparent failure to collect sample(s) within the first 30 minutes of a measurable storm event, sampling results showed that discharges exceeded benchmark levels.

Within 30 days of receipt of this letter, submit a Stormwater Monitoring Plan prepared by a licensed professional engineer to ensure that SW samples for quarterly visual, benchmark and impaired waters monitoring are collected within the first 30 minutes of a measurable storm event occurring a minimum of 72 hours after the previous measurable storm event as required by Section 6 of the 2008 MSGP.

C. Additional SW Best Management Practices/Additional SW Treatment Questions:

1. Section 3.2.10 of Grimmel's August 2013 SWPPP (page 10) states that Grimmel was "considering whether to add an additional system, such as a silt sack, membrane filter, or inlet filter system to Catch Basin No. CB23." Provide the following information to EPA:
 - a. Describe which of these SW best management practices ("BMPs"), if any, in addition to vacuuming/sweeping the site and operating SWTU-3, Grimmel has implemented since August of 2013. For each BMP, provide the date implementation began.
 - b. Grimmel's Information Request Response also indicated a concern that installing a catchbasin filter could slow catchbasin flows, cause ponding and SW could "overtop the nearby berm." Has Grimmel determined how much the berm height has to be increased to fully contain SW runoff in the scrap metal storage drainage area to accommodate a filter system? Has Grimmel investigated this option? If not, state the basis for Grimmel's decision not to investigate this option. If yes, state the basis for Grimmel's decision not to pursue this option or, alternatively, describe plans to implement this measure.
2. Pursuant to Administrative Order Docket No. 011-002 ("AO") and EPA's July 12, 2011 and August 5, 2011 letters regarding Grimmel's implementation of the June 3, 2011 *Notice of Compliance and Engineering Plan* ("Plan"), Grimmel completed Plan Tasks B.1. through B.4. in mid-December 2012. Post-construction SW monitoring data that Grimmel submitted to EPA indicate that since completion of Tasks B.1. through B.4. Grimmel has exceeded Sector N Benchmark concentrations for Total Aluminum, Copper, Iron, Lead and Zinc, and Total Suspended Solids and Chemical Oxygen Demand at Outfall 12, Outfall 11, and Outfall 10. Additionally, Impaired Waters monitoring data shows concentrations of Total Mercury and certain PCB Arochlors in Grimmel's SW discharges since December 2012, thus contributing to water quality standards exceedances. Grimmel stopped monthly total and dissolved metals monitoring after July 2013 and, to EPA's knowledge, has not made a determination as to whether additional treatment is needed to achieve Sector N Benchmark levels.

Within 30 days of receipt of this letter, submit a report prepared by a registered, professional engineer that, at a minimum:

- a. Pursuant to the AO, completes Task B.5. of the Plan by evaluating the six months of total and dissolved metals monitoring data and, since Benchmark levels were not achieved, designing a chemical treatment

system to be constructed "within three months, weather conditions permitting and subject to issuance of any necessary permits;"

- b. Determines whether the construction of a cover or building for the scrap piles to prevent exposure from rainfall is also necessary as recommended in Section 3.1.6. of Grimmel's August 2013 Stormwater Pollution Plan "[i]f benchmark water quality levels are not obtainable with the newly implemented controls;" and
- c. Determines what additional controls are necessary to eliminate the discharge of mercury and PCB discharges into the Piscataqua River as required by the AO.

End of Questions

ATTACHMENT C

**Grimmel Industries, L.L.C.
Statement of Certification
Docket No. 14-308-09**

Complete and Include With Your Response

I declare under penalty of perjury that I am authorized to respond on behalf of the Grimmel Industries, L.L.C. I certify that the foregoing responses and information submitted were prepared by me, or under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Title)

(Date)



U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, MA 02109-3912

COMBINED ROUTING AND CONCURRENCE SLIP

RE: Gimmel Industries, L.L.C.
308 Letter Docket No. 14-308-09

ROUTING TO:

	Name	Initials	Date
1.	Joy Hilton (OES04-3)	JH	3/3/14
2.	Kathleen Woodward (OES04-3)	KW	3/4/14
3.	Denny Dart (OES04-4)	DJ Dart	3/5/14
4.	Susan Studlien (OES04-5)	SL	3-5-14
5.	Wanda Williams (OES04-4) Please date, copy and mail.	WW	3/5/14

CONCURRENCE:

The signature above signifies concurrence with the following documents:

CWA Section 308 Information Request Letter

REMARKS:

This is an information request letter requiring a response within 30 calendar days of receipt of the letter.

Please Return to:

Name	Phone Number
Joy Hilton (SEW)	1877

